

ESTTA Tracking number: **ESTTA606093**

Filing date: **05/23/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214873
Party	Defendant Give.com, LLC
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Date	05/23/2014
Attachments	ANSWER_TO_NOTICE_OF_OPPPOSITION.pdf(12611 bytes )

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In Re Serial No. 85/792,466  
Filed: December 2, 2012  
Marks: Give.com  
Published: June 4, 2013

OUTSOURCED SITE SERVICES LLC,

Opposer,

v.

GIVE.COM LLC,

Applicant.

Opposition No. 91214873

**APPLICANT GIVE.COM LLC's  
ANSWER TO NOTICE OF OPPOSITION**

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### **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

Applicant GIVE.COM, LLC ("Applicant") answers as follows Opposer OUTSOURCED SITE SERVICES LLC's ("Opposer") Notice of Opposition ("Opposition") against Applicant's application for registration of its mark, serial number 85/792,466 ("the Application"). The paragraphs below correspond to the numbered paragraphs of the Opposition.

1. Applicant admits the allegations contained in this paragraph.
2. Applicant lacks sufficient information or belief with which to admit or deny the allegations about Opposer's corporate organization and place of business and denies them on that basis. Applicant denies the remaining allegations of this paragraph.
3. Applicant admits the allegations contained in this paragraph.
4. Applicant lacks sufficient information or belief with which to admit or deny the allegations contained in this paragraph and denies them on that basis.
5. Applicant lacks sufficient information or belief with which to admit or deny the allegations contained in this paragraph and denies them on that basis.
6. Applicant lacks sufficient information or belief with which to admit or deny the allegations contained in this paragraph and denies them on that basis.
7. Applicant lacks sufficient information or belief with which to admit or deny the allegations contained in this paragraph and denies them on that basis.
8. Applicant admits that Opposer has registrations for iGive and iGive.com with the U.S. Registration Nos. 2,596,573 and 2,385,144, and that copies of these registrations are attached to the Notice of Opposition as Exhibits A and B. Applicant lacks sufficient information or belief with which to admit or deny the remaining allegations contained in this paragraph and denies them on that basis.
9. Applicant admits the allegations contained in this paragraph.
10. Applicant admits that Opposer's marks for iGive and iGive.com were registered in 2002 and 2000, respectively, and that Opposer has filed declarations of incontestability under

15 U.S.C. § 1065, which have been accepted and acknowledged by the United States Patent And Trademark Office. Applicant denies all remaining allegations contained in this paragraph.

11. Applicant lacks sufficient information or belief with which to admit or deny the remaining allegations contained in this paragraph and denies them on that basis.

12. Applicant admits all allegations contained in this paragraph.

13. Applicant admits that it is using the Give.com mark for Charitable fundraising services, namely, by providing individuals with the information and opportunity to make monetary donations to their favorite charity. The remaining allegations of this paragraph are legal conclusions to which no response is required. To the extent a response is required, Applicant denies all remaining allegations in this paragraph.

14. Applicant admits that Applicant's mark and Opposer's marks share the word "Give." Applicant denies all other allegations in this paragraph.

15. Applicant admits that Applicant's first use in commerce of the Give.com mark was in 2012 and that Opposer's purported first use in commerce of the iGive marks was 1998. Applicant lacks sufficient information or belief with which to admit or deny the remaining allegations contained in this paragraph and denies them on that basis.

16. Applicant incorporates herein its responses to paragraphs 1-15 from above.

17. Applicant denies the allegations contained in this paragraph.

18. Applicant denies the allegations contained in this paragraph.

19. Applicant denies the allegations contained in this paragraph.

20. Applicant admits that Opposer has no control over the nature or quality of Applicant's services. Applicant denies all other allegations in this paragraph.

21. Applicant incorporates herein its responses to paragraphs 1-20 from above.

22. Applicant denies the allegations contained in this paragraph.

23. Applicant lacks sufficient information or belief with which to admit or deny the remaining allegations contained in this paragraph and denies them on that basis.

24. Applicant admits that it seeks to register the Give.com (U.S. Application No. 85/792,466) mark for use in connection with its charitable fundraising services, namely, by providing individuals with the information and opportunity to make monetary donations to their favorite charity. Applicant denies all other allegations in this paragraph.

25. Applicant denies the allegations contained in this paragraph.

26. Applicant denies the allegations contained in this paragraph.

27. Applicant admits that if it is permitted to register the Give.com mark, Applicant would gain at least a *prima facie* exclusive right to use that mark. Applicant denies all other allegations in this paragraph.

28. Applicant denies the allegations contained in this paragraph.

### **PRAYER**

Applicant prays that the OUTSOURCED SITE SERVICES, LLC's Opposition be dismissed with prejudice.

\* \* \*

Applicant hereby appoints David S. Elkins, Joseph P. Grasser, and Amanpreet Kaur, all members of the Bar of the State of California, all of the law firm Squire Sanders (US) LLP, 600 Hansen Way, Palo Alto, California 94304, telephone number (650) 856-6500, to transact all business in the patent and Trademark Office in connection with the above opposition proceeding. Please address all correspondence to:

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Date: May 23, 2014

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **Applicant Give.com LLC's Answer to Notice of Opposition** has been served on OUTSOURCED SITE SERVICES LLC by mailing said copy via First Class Mail, postage prepaid, addressed to Opposer's counsel as follows:

GEORGE R SPATZ  
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UNITED STATES

this 23<sup>rd</sup> day of May 2014.

By:    s/Joseph P. Grasser/